

FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: February 15, 2018

Agenda Item: Fishing Access Site Permit/Lease with Montana Department of Transportation on Yellowstone River (R3)

Division: Fisheries

Action Needed: Endorsement

Time Needed on Agenda for this Presentation: 5 Minutes

Background:

This MDT parcel is located along the Yellowstone River approximately 13 river miles downstream of Livingston, and two miles downstream of the Sheep Mountain FAS. Silt deposition at the Sheep Mountain FAS has created a land barrier between the boat ramp and the river making it increasingly difficult to launch boats from this location. Subsequently, the public is looking for alternative locations to launch boats on this reach of the river. The location for this proposed FAS is on property owned by MDT and is accessible from Interstate 90. However, it also necessitates crossing a section of railroad tracks under the control of Montana Rail Link. In earlier discussions with Montana Rail Link's representative, a preliminary review indicated that upgrades to the existing railroad crossing to accommodate formalized public recreational use of the MDT property would be necessary for safety and liability reasons. Railroad crossings into recreation areas such as FAS's must meet the higher public crossing standards, as opposed to private or farm crossings, due to anticipated higher volumes of traffic. However, based on a very preliminary review by Montana Rail Link, those upgrades at this location could potentially be limited to improvements to the road grade leading up to and over the tracks as well as additional signage and would not necessarily involve installing flashing lights and/or automatic gates. A more in-depth engineering review by Montana Rail Link will be needed to substantiate their initial findings.

Public Involvement Process & Results:

FWP personnel have been in discussions with Ryan Weiss, Public Access Specialist with DNRC; Jeff Ebert with MDT; as well as Nick Bailey, Public Works Engineer with Montana Rail Link. If endorsed by the Commission the Department will proceed with its due diligence process which will include development of an Environmental Assessment and solicitation of public comment.

Alternatives and Analysis:

Alternatives will be evaluated in the Environmental Assessment.

Agency Recommendation & Rationale

FWP recommends that the Commission endorse the departments proposal to initiate discussions with MDT for the purpose of negotiating a no cost lease/permit agreement and with Montana Rail Link regarding requirements for the railroad crossing.

Proposed Motion

I move the Fish and Wildlife Commission authorize the department to initiate negotiations with MDT for a no-cost lease/permit and follow up on discussions with Montana Rail Link.